

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

DOUGLAS A. SLAUGHTER, M.D.

Holder of License No. 23614
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-07-0995A

**CONSENT AGREEMENT FOR
DECREE OF CENSURE**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Douglas A. Slaughter, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter.

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. The Board may adopt this Consent Agreement or any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

5. This Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any

1 waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any
2 other pending or future investigation, action or proceeding. The acceptance of this
3 Consent Agreement does not preclude any other agency, subdivision or officer of this
4 State from instituting other civil or criminal proceedings with respect to the conduct that is
5 the subject of this Consent Agreement.

6 6. All admissions made by Respondent are solely for final disposition of this
7 matter and any subsequent related administrative proceedings or civil litigation involving
8 the Board and Respondent. Therefore, said admissions by Respondent are not intended
9 or made for any other use, such as in the context of another state or federal government
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
11 any other state or federal court.

12 7. Upon signing this agreement, and returning this document (or a copy thereof)
13 to the Board's Executive Director, Respondent may not revoke the acceptance of the
14 Consent Agreement. Respondent may not make any modifications to the document. Any
15 modifications to this original document are ineffective and void unless mutually approved
16 by the parties.

17 8. If the Board does not adopt this Consent Agreement, Respondent will not
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes
19 bias, prejudice, prejudgment or other similar defense.

20 9. This Consent Agreement, once approved and signed, is a public record that
21 will be publicly disseminated as a formal action of the Board and will be reported to the
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

23 10. If any part of the Consent Agreement is later declared void or otherwise
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force
25 and effect.

1 11. Any violation of this Consent Agreement constitutes unprofessional conduct
2 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,
3 probation, consent agreement or stipulation issued or entered into by the board or its
4 executive director under this chapter") and 32-1451.

5
6
7 
8 _____
9 DOUGLAS A. SLAUGHTER, M.D.

DATED: _____

7 July 08

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 23614 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-07-0995A after receiving a complaint regarding Respondent's care and treatment of a thirty-four year-old female patient ("TA").

4. On October 10, 2005, TA was initially evaluated by Respondent's physician assistant (PA) with a 3½ week history of neck pain radiating down her right arm to her thumb, index and middle fingers. A magnetic resonance imaging scan demonstrated a right C6-C7 disc herniation and mild bulging of the C5-C6 disc. The diagnostic impression was a C6-C7 disc herniation with cervical radiculopathy. TA consented to have surgery at the C6-C7 level.

5. On November 4, 2005, Respondent performed an anterior decompression of C6-T1 with allograft fusion and anterior plating. On obtaining intraoperative x-rays to document plate position, Respondent noted the fusion and plate were at C7-T1. Respondent proceeded to remove the plate and decompress and fuse C6-C7 with a plate from C6-T1.

6. On November 18, 2005, TA was seen postoperatively by PA and reported no pain of the upper extremity, but she had a weak voice. PA prescribed Darvocet and Flexeril and reassured her that her voice would improve.

7. In December 2005, Respondent made an addendum to the operative report that stated he spoke to TA's husband immediately after surgery advising him that he initially decompressed and fused an area one level lower and when he discovered the error he performed the decompression and fusion at the correct level.

1 8. On March 1, 2006, an otolaryngologist evaluated TA and noted her
2 hoarseness and difficulty swallowing. Subsequently, TA underwent a fiberoptic
3 laryngoscopy that revealed a right true vocal cord paralysis. TA was seen by a pain
4 management specialist who recommended epidural steroid injections and Klonopin. TA
5 received the injections until March 6, 2007 when it was noted that the injections did not
6 provide relief.

7 9. On September 21, 2006, TA was evaluated by a neurologist that noted her
8 severe hoarseness. The neurologist's impression was that TA had a partial vocal cord
9 paralysis. On April 26, 2007, TA was evaluated by a neurosurgeon who noted she had
10 neck pain radiating down to the interscapular area and her left hand and a new problem at
11 C5-C6.

12 10. The standard of care for a patient sent for surgical consultation requires the
13 surgeon to see and evaluate the patient.

14 11. Respondent deviated from the standard of care because he did not see TA
15 pre and post surgery.

16 12. The standard of care when performing an anterior decompression with
17 allograft fusion and anterior plating requires the surgeon to perform the procedure on the
18 appropriate level.

19 13. Respondent deviated from the standard of care because he did not perform
20 the surgery on the appropriate level.

21 14. Respondent performed a wrong level surgery on TA and she sustained a
22 recurrent laryngeal nerve injury during the procedure. TA was not afforded the expertise of
23 Respondent and her problem could have been misdiagnosed. A result of the two-level
24 fusion may have increased the possibility of TA incurring further degenerative changes of
25 her cervical spine.

1 CONCLUSIONS OF LAW

2 1. The Board possesses jurisdiction over the subject matter hereof and over
3 Respondent.

4 2. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or might be
6 harmful or dangerous to the health of the patient or the public.") and A.R.S. § 32-1401
7 (27)(ll) ("[c]onduct that the board determines is gross negligence, repeated negligence or
8 negligence resulting in harm to or the death of a patient.").

9 ORDER

10 IT IS HEREBY ORDERED THAT:

11 1. Respondent is issued a Decree of Censure for failure to properly assess a
12 patient before and after surgery and for performing wrong level spine surgery.

13 2. This Order is the final disposition of case number MD-07-0995A.

14 DATED AND EFFECTIVE this 8th day of August, 2008.

15 (SEAL)



16 ARIZONA MEDICAL BOARD

17 By

Lisa S. Wynn
Executive Director

18 ORIGINAL of the foregoing filed
19 this 8th day of August, 2008 with:

20 Arizona Medical Board
9545 E. Doubletree Ranch Road
21 Scottsdale, AZ 85258

22 EXECUTED COPY of the foregoing mailed
23 this 8th day of August, 2008 to:

24 Douglas A. Slaughter, M.D.
Address of Record

25 Chris Bump
Investigational Review